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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE APPLICATION OF THP CAPSTAR  
ACQUISITION CORP. (now known as DMX).

09 Civ. 7069 (DLC)

Related to

41 Civ. 1395 (DLC)

UNITED STATES OF AMERICA,

**STIPULATION AND ORDER  
RELEASING SURETY BOND**

Plaintiff,

v.

AMERICAN SOCIETY OF COMPOSERS,  
AUTHORS AND PUBLISHERS,

Defendant.

WHEREAS, a Judgment Order was entered in the above-captioned action on December 20, 2010, in the United States District Court for the Southern District of New York;

WHEREAS, Paragraph 12 of the Judgment Order obligated the defendant the American Society of Composers, Authors and Publishers ("ASCAP") to pay to the applicant DMX, Inc. ("DMX") the amount of \$15,392,441.00, for the period June 3, 2005 through October 31, 2010;

WHEREAS, ASCAP filed a timely notice of appeal of this Judgment Order in the above-captioned action to the United States Court of Appeals for the Second Circuit and filed a Supersedeas Bond to stay enforcement of the Judgment Order pending determination of the appeal, which the Clerk of the Court approved on January 10, 2011;

WHEREAS, in accordance with the Supersedeas Bond, the surety Liberty Mutual Insurance Company (the "Surety") obligated itself, jointly and severally, to DMX under said

statutory obligations in the sum of \$17,085,609.50, which is 111% of the amount due to DMX under the Judgment Order.

WHEREAS, the Court of Appeals issued its opinion in the appeal of this matter on June 13, 2012 and the judgment mandate on July 11, 2012;

WHEREAS, ASCAP has paid to DMX and satisfied all amounts due and owed under the Judgment Order;

NOW, THEREFORE, it is hereby STIPULATED, by and between the undersigned counsel for ASCAP and DMX that an order should be entered by the Court that Liberty Mutual Insurance Company is hereby released and exonerated from any and all liability in connection with the Supersedeas Bond number (number 019035191) in the amount of \$17,085,609.50, and the Clerk of the United States District Court for the Southern District of New York is directed to release the original surety bond to a representative of the Liberty Mutual Insurance Company.

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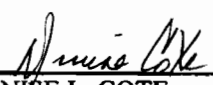
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*Attorneys for DMX, Inc.*

SO ORDERED THIS 7<sup>th</sup> day of August, 2012

  
JUDGE DENISE L. COTE  
UNITED STATES DISTRICT COURT JUDGE